

*Original*

FILED 05 AUG 15 1459 USDCORP

1. James Michael Sinder
2. Fed. Reg. No. 13268-064
Federal Correctional Institution
3. P.O. Box 5000
Sheridan, Oregon 97378-5000

4.

5.

6. UNITED STATES DISTRICT COURT
7. DISTRICT OF OREGON

8. JAMES MICHAEL SINDER,)
9. Petitioner,)
10. v.) Civil Case No. **'051269 HA**
11. CHARLES A. DANIELS, et al.,)
Warden, FCI Sheridan,)
12. Oregon,)
13. Respondent.)

14. PITITION FOR WRIT OF HABEAS CORPUS
15. PURSUANT TO 28 U.S.C. § 2241

16. James Michael Sinder, hereafter Petitioner, proceeding pro se,
17. respectfully applies for issuance of a writ of habeas corpus
18. pursuant to 28 U.S.C. § 2241. In support of this petition, peti-
19. tioner states as follows:

20. (a) JURISDICTION:

21. Petitioner is imprisoned and deprived of his liberty at the
22. Federal Correctional Institution (FCI) at Sheridan, Oregon, in
23. violation of the laws and the Constitution of the United States.
24. Petitioner further asserts that the FCI is within the District
25. of Oregon and the jurisdiction of this Court.

26. (b) SUMMARY OF UNDERLING CONVICTION:

27. 1. Sentencing United States District Court: Petitioner
28. was convicted in the United States District Court for
29. Western District of Oklahoma.



1. 2. Sentencing U.S. District Judge: Ralph G. Thompson
2. 3. Date Sentence was Imposed: October 30, 1996
3. 4. Scheduled Release Date: April 16, 2022

4. (c) **SUMMARY OF CONCURRENT AND/OR PREVIOUS LITIGATION:**

5. The claims set forth in this petition have never been litigated
6. or are pending before any Courts.

7. (d) **STATEMENT OF THE FACTS:**

8. The Respondent's have refused to accept Petitioner's "General
9. Education Diploma" (GED), from a Certified Accredited home learning
10. High School Program. The refusal of the Respondent's to accept
11. the certification of the Satisfactory Completion from the accred-
12. ited GED program is a institutuioal decision contrary to and in
13. violation of 28 C.F.R. 544.82(b)(2), 544.72-75, and Bureaue of
14. Prisons (BOP) Policy 5350.28.

15. Pursuant to federal statute and BOP policy, the Respondent
16. has no authority to reject Petitioner's GED diploma from a certi-
17. fied and accredited school. Because of Petitioner's learning
18. disabilities he was not able to complete the GED program furnished
19. by the BOP. However, Petitioner found an accredited school, paid
20. \$600.00, and spent two(2) years of his recreation time working to
21. get his GED. Petitioner successfully completed the certified
22. correspondance course and received his GED diploma.(Attached as
23. Exhibits).

24. The Respondent has told Petitioner that because he is not in
25. the institutional GED program they are taking **good-time** for not
26. programing. The taking of good-time is a vested liberty interest
27. and in violation of Petitioner's due process Fifth Amendment
28. rights.



1. The respondent's Ad hoc decision to reject Petitioner's earned
2. GED diploma, causes continued loss of good-time and therefore an
3. undeniable infringement upon Petitioner's liberty interest, The
4. Respondent's refusal, that is contrary to statute, prejudice the
5. Petitioner further based on the fact that Petitioner cannot get
6. and advancement in work grade, at Unicor, because he has no GED
7. in his institutional file. Therefore, Petitioner has been working
8. as a grade four(4), for over a year, while others have been pro-
9. moted on a regular bases.

10. (e) **STATEMENT OF YOUR LEGAL CLAIM FOR RELIEF:**

11. The statutory language of 28 C.F.R. 544.82(b)(2), 544.72-15 and
12. BOP policy 5350.28, clearly states Petitioner's certified and
13. accredited GED diploma shall be accepted as proof of GED. The
14. Respondent's failure to comply with the mandate of federal rules,
15. and their on BOP policy deny's Petitioner his liberly interest
16. under due process, by taking of good-time.

17. The contrary decision by Respondent to not adhere to the statute
18. and honor Petitioner's GED that is accredited is a direct violation
19. of Petitioner's Fifth Amendment rights when he suffers prejudice.
20. Petitioner rely's on Sandin v. Conner, 515 U.S. 472, 484 (1995).
21. Petitioner supports his claim on Congress intent by the statutory
22. language of Title 28 C.F.R. 544.82(b)(2) and 544.72-15, along
23. with BOP own Policy 5350.28.

24. (f) **EXHAUSTION OF ADMINISTRATIVE REMEMIES:**

25. 1. BP-9 was denied on: January 3, 2005
26. 2. BP-10 was denied on: or about August 12, 2005. The
27. BP-10 "response" has been misplaced, however the 'Receipt'
is enclosed to substaniate the exhaustion of the remedy.
28. 3. BP-11 was denied on: May 17, 2005



1. All of the administrative remedies are attached to this petition.

2. (g) **REQUESTED RELIEF:**

3. Petitioner request that Respondent comply's with mamdate of
4. Title 28 C.F.R. 544.82(b)(2), and 544.72.15, coupled with BOP's
5. policy 5350.28, and accept Petitioner's certified and accredited
6. GED diploma as documentation and file GED doucuments in institu-
7. tional education file. Ptitioner further request that the status
8. of earned good-time allowances be reviewed and any and all lost
9. good-time as a result of the unauthorized and unreasonable deci-
10. sions of Respondent's to reject certification of completion of
11. GED, from a certified and accredited school, shall be given back
12. to Petitioner. (Petitioner has attached all documents in support
13. of the claim of accreditation by "Education Direct, Thomson High
14. School").

15. (h) **REQUEST FOR APPOINTMENT OF COUNSEL:**

16. Petitioner request appointment of counsel because of his lack
17. of understanding in matters of law and a learning disability .

18. (i) Petitioner also request that this Court grant such other
19. relief as may be apporpriate.

20.
21. Dated this 11th day of August, 2005.

22. Respectfully submitted,

23.

24. James Michael Snider
Petitioner Pro Se

25. **VERIFICATION OF THE PETITION**

26. I James Michael Snider, declare under the penalty of perjury,
27. that:

28. (a) I am the Petitioner in the action.
29. (b) I have read the petition and that the information
30. contained herein is true to the best of my know-
knowledge and belief.



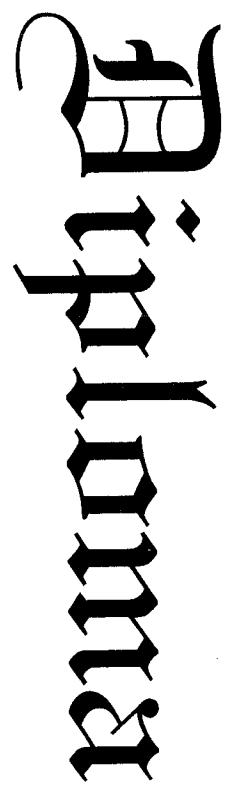
1. Dated this 12 day of August, 2005.
2.

3. James Michael Snider

4. James Michael Snider
Petitioner Pro Se

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THOMSON HIGH SCHOOL



This Certifies That

MICHAEL JAMES SNIDER

*has completed the Course of Study as prescribed by
Thomson High School*

*and is hereby awarded this Diploma on
this 28th day of September in the year 2004
and verified on this date by:*

Connie A. Dempsey
Connie Dempsey
Director of Education

THOMSON HIGH SCHOOL

925 Oak Street
Scranton, PA 18515

CORRESPONDENCE SCHOOL TRANSCRIPT

Michael James Snider
13268-068
PO Box 5000
Sheridan, OR 97378-5000

0.0 TRANSFER CREDITS AWARDED

Student No.: 18640006

Program No.: 00702105

Enrollment Date: 07/01/02

Code	Course	Credit	Grade	Date Completed
MHL9	ORIENTATION HIGH SCHOOL	.5	98	07/26/02
MHN5	HUMAN RELATIONS	1.0	97	09/26/02
MGV3	READING SKILLS	1.0	95	01/03/03
MCL2	BASIC ENGLISH	1.0	86	01/22/03
MCL3	GENERAL MATH I	1.0	97	02/07/03
MCL5	FITNESS AND NUTRITION	1.0	93	02/28/03
MCL4	AMERICAN HISTORY	1.0	95	04/17/03
MCL6	PRACTICAL ENGLISH	1.0	97	09/28/04
MCL9	CONSUMER MATH	1.0	90	06/16/03
MKY1	BIOLOGY	1.0	79	07/31/03
MCN1	CIVICS	1.0	83	08/05/03
MCN3	WRITTEN COMMUNICATION	1.0	90	11/25/03
MNG1	EARTH SCIENCE	1.0	98	10/23/03
MCN5	GENERAL MATH II	1.0	96	11/10/03
MH07	WORLD HISTORY	1.0	99	12/18/03
MJJ4	PHYSICAL SCIENCE	1.0	91	01/05/04
MNG5	LITERATURE	1.0	97	02/23/04
MEA3	SMALL ENGINE REPAIR	1.0	96	03/11/04
MDW1	AUTO REPAIR TECHNICIAN	1.0	96	04/22/04
MPH1	ELECTRICIAN	1.0	90	05/07/04
MEA5	APPLIANCE REPAIR	1.0	91	06/03/04
MEE2	BASIC ELECTRONICS	1.0	97	07/01/04

Diploma granted 09/28/04

Diploma to be awarded
upon completion
of requirements

Connie C. Dempsey 10/12/04
Director of Compliance and Academic Affairs

U.S. DEPARTMENT OF JUSTICE

Federal Bureau of Prisons

REQUEST FOR ADMINISTRATIVE REMEDY

Type or use ball-point pen. If attachments are needed, submit four copies. Additional instructions on reverse.

From: <u>Snider, Mike</u>	13268-064	3-A	F.C.I.	Sheridan
LAST NAME, FIRST, MIDDLE INITIAL	REG. NO.	UNIT	INSTITUTION	

Part A- INMATE REQUEST Mr. Brown of F.C.I. Sheridan Education Department has refused to accept and file a G.E.D Diploma earned by Mr. Snider from a Certified, Accredited home learning High School Program. Mr. Brown's refusal to accept and file this certification of Satisfactory Completion, from a Certified, Accredited G.E.D program, is a decision made in violation of 28 C.F.R 544.82(b)(2), 544.72-15, and B.O.P. Policy 5350.28. Pursuant to Federal Statute and B.O.P. written policy, Mr. Brown has rejected a G.E.D which he has no authority to reject. Mr. Snider has spent \$600.00 and two years of his time earning his G.E.D Diploma from an Accredited, Certified correspondence Program. Because of his learning disabilities, Mr. Snider was unable to complete the G.E.D program furnished by the B.O.P. However, Mr. Snider refused to give up, and spent two years of his Recreation time attempting to successfully complete this certified correspondence course. Mr. Snider's failure to complete the G.E.D. course provided by the B.O.P has resulted in the loss of good time, and Mr. Brown's Ad hoc decision to reject the G.E.D earned from a certified school, causes continued loss of good time and is therefore an undeniable infringement upon Mr. Snider's liberty Interest. In relief Mr. Snider request that Mr. Brown be instructed to comply with the mandate of Federal Rule, Bureau of Prisons written policy, and file a certified Copy of Mr. Snider's G.E.D in his education file. Further Mr. Snider requests that the status of his earned good time allowance be reviewed, and any good time lost that has been a result of Mr. Browns unauthorized and unreasonable decision to reject the Certification of Completion, from a Certified, Accredited Correspondence course.

DATE 12/20/04SIGNATURE OF REQUESTER **Part B- RESPONSE**

DATE

WARDEN OR REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the Regional Director. Your appeal must be received in the Regional Office within 20 calendar days of the date of this response.

ORIGINAL: RETURN TO INMATE

CASE NUMBER: _____

CASE NUMBER: 362467-F**Part C- RECEIPT**

Return to: _____

LAST NAME, FIRST, MIDDLE INITIAL

REG. NO.

UNIT

INSTITUTION

SUBJECT: _____

DATE

RECIPIENT'S SIGNATURE (STAFF MEMBER)

Inmates SNIDER, Mike
Reg. No. 13268-064 (3a)

REQUEST FOR ADMINISTRATIVE REMEDY
SHE-362467-F1

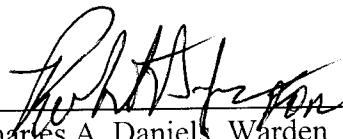
Part B-RESPONSE

This is in response to your Request for Administrative Remedy dated December 20, 2004, wherein you allege that you have a diploma from a nationally accredited school. As relief, you request to be exempted from the GED program.

Your request has been investigated. It has been determined that you have a high school diploma issued by Thomson High School, a correspondence school in Scranton, PA. According to Program Statement 5350.28, Literacy Program (GED Standard), an inmate "who does not have a verified General Education Development (GED) credential or a high school diploma is required to attend an adult literacy program." Further clarification from the Central Office indicates that high school diplomas from correspondence schools do not meet the requirements of the Program Statement 5350.28.

Therefore, your Request for Administrative Remedy is denied. If dissatisfied with this response, you may appeal to the Western Regional Director, 7950 Dublin Blvd., 3rd Floor, Dublin, CA 94568. Your appeal must be received in the Western Regional Director's office within 20 calendar days of the date of this response.

1/3/05
Date



Charles A. Daniels, Warden

RECEIPT - ADMINISTRATIVE REMEDY

DATE: JULY 14, 2004

FROM: ADMINISTRATIVE REMEDY COORDINATOR
WESTERN REGIONAL OFFICE

TO : JAMES MICHAEL SNIDER, 13268-064
SHERIDAN FCI UNT: UNIT 3 QTR: C03-225U

THIS ACKNOWLEDGES THE RECEIPT OF THE REGIONAL APPEAL
IDENTIFIED BELOW:

REMEDY ID : 339409-R1
DATE RECEIVED : JULY 13, 2004
RESPONSE DUE : AUGUST 12, 2004
SUBJECT 1 : OTHER SENTENCE COMPUTATION
SUBJECT 2 :
INCIDENT RPT NO:

U.S. Department of Justice

Federal Bureau of Prisons

Central Office Administrative Remedy Appeal

Type or use ball-point pen. If attachments are needed, submit four copies. One copy each of the completed BP-DIR-9 and BP-DIR-10, including any attachments must be submitted with this appeal.

From: <u>Snider, Mike</u>	13268-064	3-A	F.C.I.	Sherida
LAST NAME, FIRST, MIDDLE INITIAL	REG. NO.	UNIT	INSTITUTION	

Part A—REASON FOR APPEAL This is an appeal to a BP-10 Mr. Brown of F.C.I. Sheridan Education Department has refused to accept and file a G.E.D Diploma earned by Mr. Snider from a Certified Accredited home learning High School Program. Mr. Brown's refusal to accept and file this certification of Satisfactory Completion, from a Certified, Accredited G.E.D program, is a decision made in violation of 28 C.F.R 544.82(b)(2), 544.72-15, and B.O.P. Policy 5350.28. Pursuant to Federal Statute and B.O.P. written policy, Mr. Brown has rejected a G.E.D which he has no authority to reject. Mr. Snider has spent \$600.00 and two years of his time earning his G.E.I Diploma from an Accredited, Certified correspondence Program. Because of his learning disabilities, Mr. Snider was unable to complete the G.E.D program furnished by the B.O.P. However, Mr. Snider refused to give up and spent two years of his Recreation time attempting to successfully complete this certified correspondence course. Mr. Snider's failure to complete the G.E.D. course provided by the B.O.P has resulted in the loss of good time, and Mr. Brown's Ad hoc decision to reject the G.E.D earned from a certified school, causes continued loss of good time and is therefore an undeniable infringement upon Mr. Snider's liberty interest. In relief Mr. Snider request that Mr. Brown be instructed to comply with the mandate of Federal Rule. Bureau of Prisons written policy, and file a certified copy of Mr. Snider's G.E.D in his education file. Further Mr. Snider request that the status of his earned good time allowance be reviewed, and any good time lost that has been a result of Mr. Brown's unauthorized and unreasonable decision to reject the Certification of Completion, From a Certified, Accredited Correspondence course. Mike Snider

2/28/05 DATE

SIGNATURE OF REQUESTER

Part B—RESPONSE



DATE

GENERAL COUNSEL

ORIGINAL: RETURN TO INMATE

CASE NUMBER: 362467-A

Part C—RECEIPT

CASE NUMBER: _____

Return to: _____	LAST NAME, FIRST, MIDDLE INITIAL	REG. NO.	UNIT	INSTITUTION
------------------	----------------------------------	----------	------	-------------

SUBJECT: _____

DATE



SIGNATURE OF RECIPIENT OF CENTRAL OFFICE APPEAL

Administrative Remedy No. 362467-A1
Part B - Response

This is in response to your Central Office Administrative Remedy Appeal in which you request the high school diploma you received from Thomson High School be honored by the Bureau of Prisons for meeting the mandatory literacy requirements. You also request a review of any good time lost as a result of staff's decision not to accept your high school diploma.

Our review reveals the Warden and Regional Director adequately addressed the issue raised in your appeal. Program Statement 5350.28, Literacy Program (GED Standard), states an inmate confined in a federal institution who does not have a verified General Educational Development (GED) credential or high school diploma is required to attend an adult literacy program for a minimum of 240 instructional hours or until a GED is achieved, whichever occurs first. An inmate's high school diploma or a GED credential is verified when: the Supervisor of Education receives documentation directly from the appropriate school or agency; Government personnel officially verify the high school diploma or a GED credential in the pre-sentence investigation report; or a valid post-secondary credential is an acceptable form of verification for a high school diploma or a GED credential. The only inmates exempted from participating in the mandatory literacy program are pretrial inmates, inmates committed for purpose of study and observation, sentenced deportable aliens, and inmates determined by staff to be temporarily unable to participate due to special circumstances beyond their control.

Your diploma from Thomson High School, a non-governmental accrediting agency, was not received from a high school or through GED issued by the American Council of Education. Accordingly, you are not exempt from participation in the Federal Bureau of Prisons Literacy Program. We find staff actions appropriate and in accordance with P.S. 5350.28.

Your appeal is denied.

May 17, 2005
Date

Harrell Watts, Administrator
National Inmate Appeals Ctr

Education Direct
925 Oak Street
Scranton, PA 18515
Tel 1-888-427-1000
www.EducationDirect.com



Michael James Snider
PO Box 5000
. # 13268-068
Sheridan, OR 97378-5000

October 21, 2004

Dear Michael:

Thank you for your recent inquiry concerning the accreditation of our school.

On November 1, 2002, Education Direct was granted accreditation by the Middle States Commission on Secondary Schools for our high school program. Education Direct is also accredited by the Accrediting Commission of the Distance Education and Training Council (DETC) in Washington D.C., and our school is licensed by the Pennsylvania State Board of Private Licensed Schools.

Completion of our programs represent a major commitment to self-improvement and career growth. The programs offered by our school are conducted entirely by independent study and require dedicated effort and self-motivation considerably above the average.

Should you require further assistance, please do not hesitate to contact our Student Service Department at 1-888-427-1000.

Sincerely,

A handwritten signature in cursive script that appears to read "Darlene Green".

Darlene Green
Student Service

TSR 2DGRZE
18640006

Education Direct
925 Oak Street
Scranton, PA 18515
Tel 1-888-427-1000
www.EducationDirect.com



Michael James Snider
PO Box 5000
.# 13268-068
Sheridan, OR 97378-5000

October 21, 2004

To Whom It May Concern:

I'm pleased to inform you that Michael Snider is a graduate of the Thomson High School program with Education Direct.

On November 1, 2002, Education Direct was granted accreditation by the Middle States Commission on Secondary Schools for our high school program. Thomson High School is also accredited by the Accrediting Commission of the Distance Education and Training Council (DETC) in Washington, D.C., and our school is licensed by the Pennsylvania State Board of Private Licensed Schools.

To be successful in an independent study program, a student must be extremely dedicated and self-motivated. These personal characteristics make independent study students successful in a wide range of pursuits after they finish their courses of study.

Because of the singular commitment required to complete such a study program, without any external motivation, we do not hesitate to recommend our graduates for employment in any field.

If we can be of further assistance, or provide additional information, please don't hesitate to write to us or contact our Student Service Department at 1-888-427-1001.

Sincerely,

A handwritten signature in black ink that reads "Connie C. Dempsey".

Connie Dempsey
Director, Education

TSR 2DGRZE
v 18640006

Education Direct
925 Oak Street
Scranton, PA 18515
Tel 1-888-427-1000
www.EducationDirect.com



October 01, 2004

Michael James Snider 13268-064
.PO Box 5000
Fci Sheridan
Sheridan, OR 97378-5000

Dear Michael:

Congratulations on successfully completing your Education Direct program! You have shown initiative, concentration, and perseverance - qualities that will surely help you achieve your goals.

Your diploma will always remind you of your personal achievement. It will also demonstrate your accomplishments to everyone who sees it, so we hope you'll display it proudly.

Knowledge is something that can never be taken away, and with Education Direct, you can make learning an ongoing process. Whether you want to learn new skills to become more valuable to employers or for your personal enrichment, we hope you'll consider continuing your education with us.

Please don't hesitate to contact us and inquire about any of the programs shown in the enclosed brochure. You can visit www.EducationDirect.com or call **1-800-758-4590** to learn more about how you can complement the skills you've just mastered.

I want to thank you again for choosing Education Direct. Please contact us anytime should you need a letter of recommendation or copies of your transcripts. We wish you a future filled with success!

Sincerely,

A handwritten signature in black ink that reads "Connie C. Dempsey". The signature is fluid and cursive, with "Connie" and "C." being more stylized and "Dempsey" being more formal.

Connie Dempsey
Director, Compliance and Academic Affairs

United States District Court

Western District Of Oklahoma

NOV - 5 1996

ROBERT D. DENNIS, CLERK
U.S. DIST. COURT, WESTERN DIST. OF OKL
BY _____ DEPUTY

UNITED STATES OF AMERICA

v.

JAMES MICHAEL SNIDER

(Name of Defendant)

Case Number: CR 96-42-T

Don Herring

THE DEFENDANT:

pleaded guilty to count(s) _____

was found guilty on count(s) 1, 2, 3, 5, 7 and 8 after a plea of not guilty.

Accordingly, the defendant is adjudged guilty of such count(s), which involve the following offense(s):

Title & Section	Nature of Offense	Date Offense Committed	Count Number(s)	RECEIVED
21:846	Conspiracy to manufacture methamphetamine	2-26-96	1	RECEIVED
21:841(a)(1) 18:2	Manufacture of methamphetamine	2-26-96	2	
21:841(a)(1)	Possession with intent to distribute methamphetamine	2-26-96	3	
21:841(a)(1)	Distribution of methamphetamine	2-26-96	4	
21:841(a)(1)	Manufacture of methamphetamine	2-26-96	5	
18:922(g)(1)	Felon in possession of a firearm	2-26-96	6	
		2-26-96	7	
		2-26-96	8	

The defendant is sentenced as provided in pages 2 through 5 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

The defendant has been found not guilty on count(s) _____ and is discharged as to such count(s).

Count(s) 1, 2, 3, 5, 7 and 8 shall be dismissed on the motion of the United States.

It is ordered that the defendant shall pay a special assessment of \$ 300.00 for count(s) 1, 2, 3, 5, 7 and 8 shall be due immediately as follows:

IT IS FURTHER ORDERED that the defendant shall notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid.

Defendant's Soc. Sec. No.: 563-04-8406Defendant's Date of Birth: 04-17-57

Defendant's Mailing Address:

201 N. ShartelOklahoma City, OK 73102

Defendant's Residence Address:

ATTEST: A true copy of the original
Robert D. Dennis, Clerk

UNITED STATES DISTRICT JUDGE

Name & Title of Judicial Officer

Same

By

Deputy

November 5, 1996

Date

October 30, 1996

Date of Imposition of Sentence

Signature of Judicial Officer

RALPH G. THOMPSON

Name & Title of Judicial Officer

endant: JAMES MICHAEL SNIDER
Case Number: CR 96-42-T

Judgment Page 2 of 5

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned a term of 360 months. This sentence consists of a term of 360 months on each of Counts 1, 2, 3, 5, and 7; and) months on Count 8, all such terms shall be served concurrently.

The court makes the following recommendations to the Bureau of Prisons:

A facility as near to Sacramento, California as possible

The defendant is remanded to the custody of the United States marshal

The defendant shall surrender to the United States marshal for this district.

at _____ on _____
as notified by the United States marshal.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons.

before noon on _____
 as notified by the United States marshal.
 as notified by the probation office.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____ at _____, with a certified copy of this judgment.

United States Marshal

By _____ Deputy Marshal

Defendant: JAMES MICHAEL SNIDER

Case Number: CR 96-42-T

Judgment Page 4 of 5

STATEMENT OF REASONS

 The court adopts the factual findings and guideline application in the presentence report.
OR The court adopts the factual findings and guideline application in the presentence report except (see attachment, if necessary):

Guideline Range Determined by the Court:

Total Offense Level: 40Criminal History Category: VImprisonment Range: 360 to Life monthsSupervised Release Range: 5 to yearsFine Range: \$ 25,000.00 to \$ 20,250,000.00 Fine is waived or is below the guideline range, because of the defendant's inability to pay.Restitution: \$ Full restitution is not ordered for the following reason(s): The sentence is within the guideline range, that range does not exceed 24 months, and the court finds no reason to depart from the sentence called for by application of the guidelines.

OR

 The sentence is within the guideline range, that range exceeds 24 months, and the sentence is imposed for the following reason(s):

The Court finds that under the provisions of 18 U.S.C. § 3553 that all the criteria in that section has been considered:

- (1) the nature and circumstances of the offense and the history and characteristics of the defendant;
- (2) the need for the sentence imposed --
 - (A) to reflect the seriousness of the offense, to promote respect for the law, and to provide just punishment for the offense;
 - (B) to afford adequate deterrence to criminal conduct;
 - (C) to protect the public from further crimes of the defendant; and
 - (D) to provide the defendant with needed educational or vocational training, medical care, or other correctional treatment in the most effective manner;
- (3) the kinds of sentences available;
- (4) the kinds of sentence and the sentencing range established for --
- (5) any pertinent policy statement issued by the Sentencing Commission pursuant to 28 U.S.C. 994(a)(2) that is in effect on the date the defendant is sentenced;
- (6) the need to avoid unwarranted sentence disparities among defendants with similar records who have been found guilty of similar conduct; and
- (7) the need to provide restitution to any victims of the offense.

The guidelines are high in this range and the lower level of the guideline range meets the requirements of 18 U.S.C. § 3553(a).

OR

The sentence departs from the guideline range

 upon motion of the government, as a result of defendant's substantial assistance.
 for the following reason(s):

Defendant: JAMES MICHAEL SNIDER
Case Number: CR 96-42-T

Judgment Page 5 of 5

DENIAL OF FEDERAL BENEFITS
(For Offenses Committed on or After November 18, 1988)

FOR DRUG TRAFFICKERS PURSUANT TO 21 U.S.C. § 862(a)(1)(B)

IT IS ORDERED that the defendant shall be:

ineligible for all federal benefits for a period of 5 years ending October 30, 2001

ineligible for the following federal benefits for a period of _____ ending _____
(specify benefits) _____

OR

having determined that this is the defendant's third or subsequent conviction for distribution of controlled substances, IT IS ORDERED that the defendant shall be permanently ineligible for all federal benefits.

FOR DRUG POSSESSORS PURSUANT TO 21 U.S.C. § 862(b)(1)(B)

IT IS ORDERED that the defendant shall:

be ineligible for all federal benefits for a period of _____ ending _____

be ineligible for the following federal benefits for a period of _____ ending _____
(specify benefits) _____

successfully complete a drug testing and treatment program.

perform community service, as specified in the probation or supervised release portion of this judgment.

Having determined that this is the defendant's second or subsequent conviction for possession of a controlled substance, IT IS FURTHER ORDERED that the defendant shall complete any drug treatment program and community service specified in this judgment as a requirement for the reinstatement of eligibility of federal benefits.

Pursuant to 21 U.S.C. § 862(d), this denial of federal benefits does not include any retirement, welfare, Social Security, health disability, veterans benefit, public housing, or other similar benefit, or any other benefit for which payments or services are required for eligibility.

THE CLERK OF COURT IS RESPONSIBLE FOR SENDING A COPY OF THIS PAGE AND THE FIRST PAGE OF THIS JUDGMENT TO: U.S. DEPARTMENT OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, WASHINGTON, D.C. 20531.

§ 544.80

school diploma if that inmate refuses to enroll in, and to complete, the mandatory 240 instructional hours of the literacy program.

Subpart I—Education, Training and Leisure-Time Program Standards

SOURCE: 58 FR 65852, Dec. 16, 1993, unless otherwise noted.

§ 544.80 Purpose and scope.

In consideration of inmate education, occupation, and leisure-time needs, the Bureau of Prisons affords inmates the opportunity to improve their knowledge and skills through academic, occupation and leisure-time activities. All institutions, except satellite camps, detention centers and metropolitan correctional centers, shall operate a full range of activities as outlined in this rule.

§ 544.81 Program goals.

The Warden shall ensure that an inmate with the need, capacity, and sufficient time to serve, has the opportunity to:

- (a) Complete an Adult Literacy program leading to a General Educational Development (GED) certificate and/or high school diploma;
- (b) Complete one or more levels of English-as-a-Second Language;
- (c) Acquire or improve marketable skill through one or more programs of Occupation Education (OE);
- (d) Complete one or more Postsecondary Education activities;
- (e) Complete one or more Adult Continuing Education activities;
- (f) Participate in one or more leisure, fitness, wellness or sport activities;
- (g) Participate in a Release Preparation program; and
- (h) Participate in Career Counseling.

Staff shall encourage each inmate to accept the responsibility to identify any specific education needs, set personal goals, and select activities, programs and/or work experiences which will help to reach those goals.

[58 FR 65852, Dec. 16, 1993, as amended at 61 FR 47795, Sept. 10, 1996]

28 CFR Ch. V (7-1-03 Edition)

§ 544.82 General program characteristics.

(a) The Supervisor of Education shall assure that the following minimum criteria are met for the institution's education program set forth in § 544.81.

(1) There is a written curriculum which establishes measurable behavioral objectives and procedures.

(2) There are clear criteria which establish minimum expectations for program completion, as well as provisions for the assessment of student progress.

(3) There are provisions for periodic review of the relevancy and effectiveness of the program.

(4) Unless unusual circumstances (e.g., college credit courses) exist, all programs should allow for open entry and exit, at least on a monthly basis.

(5) The Supervisor of Education may establish other requirements necessary to assure that the stated goals of the program are achieved.

(b) Upon an inmate's completion of a program specified in § 544.81, staff may issue and/or review and file a certificate when it contributes to an inmate's future plans in such a way that it validates the inmate's education and training; supports the inmate's chances of securing employment; improves the inmate's acceptance for advanced education; or enhances the inmate's opportunity for success in any other activity the inmate chooses to pursue. The certificate will confirm that the inmate has completed the requirements to receive a certificate that fits one or a combination of the following categories:

(1) Accredited certificates—high school diplomas and occupation training certificates approved or issued through local school districts, state departments of education, or other recognized accrediting educational organizations;

(2) Postsecondary certificates and transcripts—postsecondary degrees or course certificates approved or issued through a sponsoring accredited educational institution;

(3) General Educational Development tests—programs sponsored by the American Council on Education;

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(4) Private certification agencies, private business entity, other than those state graph (b)(1) of this section:

(5) Institutional certificates, issued to an inmate completes a program, and when tion cannot provide a cer provided in paragraphs (b) C this section; or

(6) Transcripts—issued to who completes general edu grams, formal occupation ti the-job and apprentice tr work assignments. With t consent, transcripts may schools and colleges, busin tries and other agencies.

§ 544.83 Inmate tutors.

Institutions may establish tutor/aide program. Guideli developed regarding the supervision of inmate where such programs are av

Subpart J [Reserve]

Subpart K—Inmate Library Services

§ 544.100 Purpose and scope.

The Bureau of Prisons provides within each of its facilities with library services necessary, educational, cultural, and leisure. The Warden shall ensure that the inmate library has a wide reading materials. Library shall ordinarily be available to inmates daily, including evenings and weekends, except in detention centers where service shall be scheduled as frequently as possible to ensure inmate access.

[46 FR 24900, May 1, 1981]

§ 544.101 Procedures.

(a) The Warden shall assign member (ordinarily the Superintendent) responsibility for inmate library.

(b) The inmate library shall provide inmate a variety of reading materials, including, but not limited